

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6275  
Massa for Congress and Beverly Massa, )  
in her official capacity as treasurer; Eric )  
JJ Massa; Joseph Angelo Racalto )

CERTIFICATION

I, Shawn Woodhead Werth, recording secretary for the Federal Election Commission executive session on November 16, 2010, do hereby certify that the Commission failed by a vote of 3-3 to take the following actions in the above-captioned matter:

1. Find reason to believe that Massa for Congress and Beverly Massa, in her official capacity as treasurer, violated 2 U.S.C. § 434(e) by failing to report debts and obligations in connection with the \$40,000 payment to Joseph Racalto.
2. Take no action at this time as to with respect to the allegation that Massa for Congress and Beverly Massa, in her official capacity as treasurer, and Eric Massa violated 2 U.S.C. § 439a(b) in connection with the \$40,000 payment to Joseph Racalto.
3. Find reason to believe that Massa for Congress and Beverly Massa, in her official capacity as treasurer, and Eric Massa violated 2 U.S.C. § 439a(b) in connection with the \$31,896.42 payment to GMAC.
4. Take no action at this time with respect to Joseph Racalto.
5. Authorize the use of compulsory process in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.

6. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated September 27, 2010.
7. Approve the appropriate letter.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

Attest:

November 19, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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